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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,098	06/25/2003	Kouichi Miyamoto	AA-594	2541

27752 7590 06/23/2005

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CINCINNATI, OH 45224

EXAMINER

HILL, LAURA C

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,098

Applicant(s)

MIYAMOTO, KOUICHI

Examiner

Laura C. Hill

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/29/03 and 2/5/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. Specifically, the abstract is 171 words long.

### ***Claim Interpretation***

1. The term 'folded laterally inward' of claim 1 is interpreted to mean folded towards any inner surface of the disposable absorbent article.
2. It is noted that 'barrier cuffs' are well known in the art to be disposed out of the diaper plane to provide a dam against leakage while 'gasketing cuffs' remain in the same plane as the diaper to provide a seal against leakage by drawing the diaper against the user's skin. Although the differences between the two structures are noted, 'barrier cuffs' are interpreted to be interchangeable with 'gasketing cuffs' since both structures prevent leakage of body leakage from around the user's legs.
3. The 'side flap' 44 of claim 3 is interpreted to be any area 'disposed adjacent the longitudinal side edge 56' that 'extends laterally outward from the absorbent core' as defined on page 7 of the specification.

### ***Claim Rejections - 35 USC § 102***

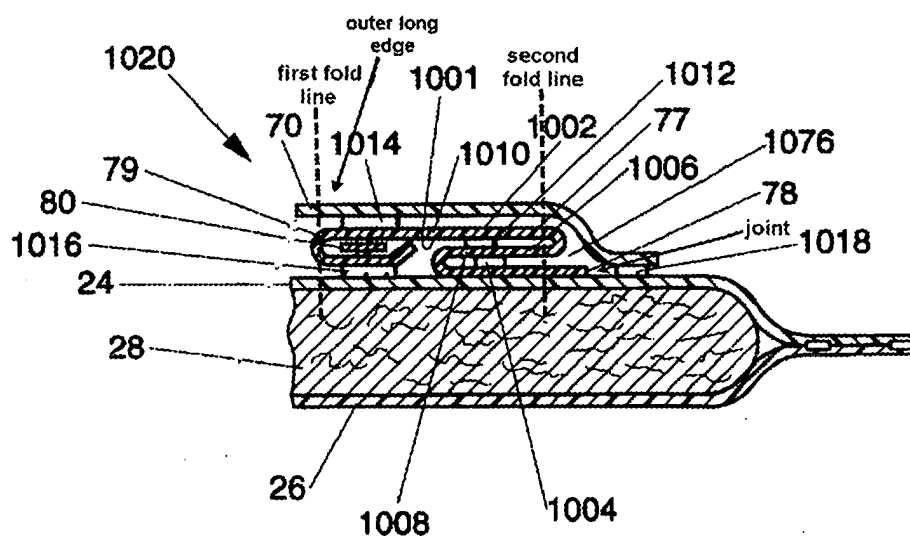
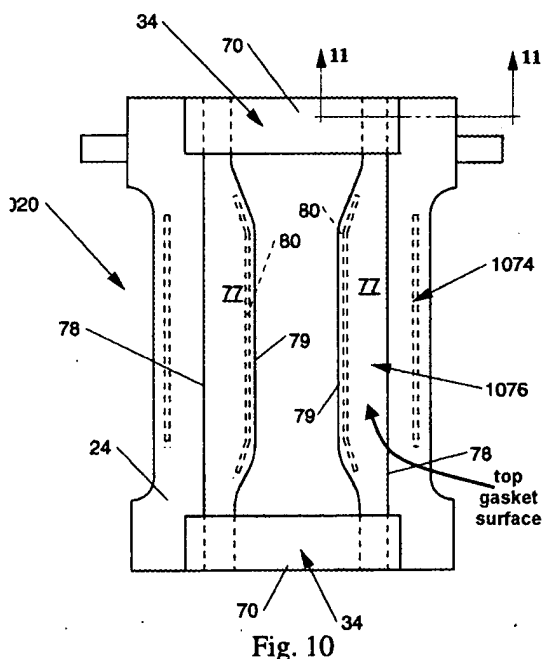
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

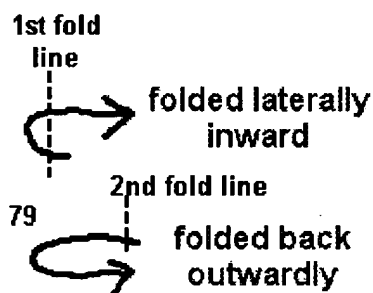
Art Unit: 3761

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Feist (US 6,142,985). Regarding claims 1, 3, and 5-6 Feist discloses disposable absorbent diaper 20 with absorbent core 28 positioned between liquid pervious topsheet 24 and liquid impervious backsheet 26 (col. 5, ll. 55-61), an elasticized outer leg cuff 32 disposed adjacent a longitudinal edge of the article (col. 5, line 62 and figure 1), the outer leg cuff having a proximal flap base 78, distal flap 79, and a barrier/gasketing cuff-side flap 1076 supported by base 78 at a joint (col. 31, ll. 10-19, figures 10-11), the gasketing cuff-side flap 1076 being provided with elasticity and having a top gasket cuff surface, first segment/inner cuff 1004 extending laterally inward from the joint and second segment/outer cuff 1006 extending laterally outward from the joint (col. 31, ll. 30-36, figure 11);



Wherein, before use, the distal edge 79 of outer cuff 32 is folded laterally inwardly onto the inner surface/topsheet 24 of absorbent diaper 20 along a first folding line that is positioned on proximal flap 78 so that the top gasket cuff surface faces upwardly and the distal edge is folded back laterally outward along a second folding line that is positioned between the first folding line and the joint and adjacent the joint (figure 11 detailed in figure A).



**Figure A**

Feist further discloses the Z-folded barrier cuffs provide effective BM containment in the back and good containment of body exudates in the crotch area of the disposable absorbent article (col. 31, ll. 1-5).

Regarding claim 2 Feist discloses an alternative embodiment of disposable absorbent article that is folded along a lateral direction to form a pant-type training pant 920 (col. 38, ll. 42-45 and figure 9).

Regarding claims 4 and 7 Feist discloses a first folding line positioned adjacent a longitudinal side edge of absorbent core 28 and an outer longitudinal edge positioned inboard of first folding line (figure 11).

Art Unit: 3761

Regarding claims 8-9 Feist discloses a third segment 1010 adjacent distal edge 79 of elasticized outer cuff being joined to topsheet 24 with an adhesive (col. 31, ll. 42-47).

Regarding claim 10 Feist discloses the elasticized outer leg cuff 32 is Z-folded and therefore capable of being generally T-shaped when viewed from a three-dimensional view (figure 11). If a prior art structure is capable of performing the intended use as recited in the preamble, then it meets the claim. See, e.g., *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiuke (US 5,021,051) is cited for showing a disposable absorbent article with ends of barrier leg cuff 19 secured to topsheet 12 to obviate inversion during wear and said barrier leg cuffs being laterally folded inward and back upon themselves. Enloe (US 5,599,338) is cited for showing a disposable absorbent article with proximal edges of barrier cuffs/flaps 30,32 disposed adjacent gasketing cuffs 22, 24 and the barrier cuffs attached to bodyside liner 14. Igaue et al. (US 5,114,420) is cited for showing a disposable absorbent article having an outer cuff 17 folded upwardly and inwardly and each elastic element 22 folded back upon itself but not onto an inner surface of the article. Foreman (US 4,738,677) is cited for showing a disposable absorbent article having a distal edge 66 of first barrier/leg cuff 62 folded back upon itself and secured to another segment of first barrier cuff member but not folded onto an

Art Unit: 3761

inner surface of the absorbent article. Igaue et al. (US 5,167,653) is cited for showing a disposable absorbent article having an outer leg cuff/flap 16 folded laterally inward.

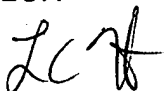
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on 571-272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura C. Hill  
Examiner  
Art Unit 3761

LCH



Larry I. Schwartz  
Supervisory Patent Examiner  
Group 3700